WP No. 1512 (SS) 2004

Hon'ble M.M. Ghildiyal, J

Heard Sri C.K. Sharma, learned counsel for the petitioner and Sri D.S. Patni, learned counsel for the respondents.

By means of this writ petition, the petitioner, who was working in the Canteen has challenged the oral termination order by which he has not been permitted to work since 18.5.2004. Learned counsel for the respondents has relied upon the decision of Hon'ble Supreme Court reported in 2000 (5) SCC 531 (State Bank of India and others Vs. State Bank of India Canteen Employees Union and others). The Apex Court has held that employees of canteen are not employees of State Bank of India as there is no statutory or contractual obligation or obligation under Shastry Award on the Bank to run such canteens.

In view of the aforesaid principle laid down by Hon'ble Supreme Court petitioner is not entitled to claim any relief against the Bank, as such, the writ petition is dismissed.

20.12.2004 **(M.M. Ghildiyal, J.)**

S.K.S